



- ☐ Aeronautical Radio, Inc. (ARINC)
- ☐ American Association of State Highway and Transportation Officials (AASHTO)
- ☐ American Automobile Association (AAA)
- ☐ American Mobile Telecommunications Association, Inc. (AMTA)
- ☐ American Petroleum Institute (API)
- ☐ Association of American Railroads (AAR)
- ☐ Association of Public Safety Communications Officials-International, Inc. (APCO)
- ☐ Central Station Alarm Association (CSAA)
- ☐ Forest Industries Telecommunications (FIT)
- ☐ Forestry-Conservation Communications Association (FCCA)
- ☐ Industrial Telecommunications Association, Inc. (ITA)
- ☐ Intelligent Transportation Society of America, Inc. (ITSA)
- ☐ International Association of Fire Chiefs (IAFC)
- ☐ International Association of Fish and Wildlife Agencies (IAFWA)
- ☐ International Municipal Signal Association (IMSA)
- ☐ Manufacturers Radio Frequency Advisory Committee (MRFAC)
- ☐ National Association of State Foresters (NASF)
- ☐ PCIA – The Wireless Infrastructure Association (PCIA)
- ☐ Telecommunications Industry Association (TIA)
- ☐ United Telecom Council (UTC)

LMCC's members have followed with great interest the Commission's efforts to promote the use of spectrum efficient technologies in the Private Land Mobile Radio Services (PLMRS) going back over a decade since the subject was first initiated as part of the Commission's refarming proceeding in PR Docket No. 92-235.<sup>1</sup> In that time, LMCC's members, both collectively and individually have participated in all Commission rulemakings that had as their goal the transition to spectrum efficiency through narrowbanding.

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<sup>1</sup> See Replacement of Part 90 by Part 88 to Revise the Land Mobile Radio Services and Modify the Policies Governing Them, PR Docket No. 92-235, *Notice of Proposed Rule Making*, 7 FCC Rcd 8105

## II. DISCUSSION

In the *Second Further Notice of Proposed Rule Making* in this proceeding, the Commission asked for comment on its tentative conclusion that a set of specific deadlines are warranted to facilitate migration to 6.25 kHz technology, similar to those adopted in the *Second Report and Order* for 12.5 kHz migration. Further, the FCC sought comment on what those specific dates for 6.25 kHz migration should be.<sup>2</sup>

LMCC concurs with those parties filing initial comments that stated it is premature at this point in time to address any specific timeframe for a mandatory migration to 6.25 kHz technology.<sup>3</sup> The Commission has just recently adopted a series of deadlines for transition to 12.5 kHz technology, and the experience gained from allowing those deadlines to play out will provide a valuable template for any future migration to 6.25 kHz.<sup>4</sup> It would be counterproductive to force licensees currently in the midst of migrating to 12.5 kHz, that have already invested extensive effort and money to do so, to change direction and expend their internal resources towards a new, unproven goal. If, after the transition to 12.5 kHz is complete, the Commission is still interested in establishing a mandatory timeframe for transition to 6.25 kHz, licensees would be able to offer learned input based on their 12.5 kHz experience. This is consistent with the view

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(1992).

<sup>2</sup> See, Implementation of Sections 309(j) and 337 of the Communications Act of 1934 as Amended and Promotion of Spectrum Efficient Technologies on Certain Part 90 Frequencies, WT Docket No. 99-87, *Second Report and Order and Second Further Notice of Proposed Rule Making*, (released February 25, 2003) (*2<sup>nd</sup> R&O and FNPRM*)

<sup>3</sup> See, Comments of American Mobile Telecommunications Association, Inc. (AMTA), Association of American Railroads (AAR), Association of Public-Safety Communications Officials-International, Inc. (APCO) et al, Industrial Telecommunications Association, Inc. (ITA), Motorola, Tait North America

<sup>4</sup> In fact those very deadlines have been brought into question by a number of parties that filed *Petitions for Reconsideration* to the *2<sup>nd</sup> R&O* so it is not unreasonable to believe that even those deadlines are still in a state of flux.

expressed by LMCC in its Comments to the original *Further Notice of Proposed Rulemaking* in this proceeding in 2001.<sup>5</sup>

Additionally, as noted by some commenters, 6.25 kHz equipment is not yet available in the market place.<sup>6</sup> Moreover, the major manufacturers of equipment for the private land mobile bands are still in the early stages of development of cost effective, spectrally efficient 6.25 kHz equipment. Many technical issues remain unresolved. Indeed, as some have pointed out, the standard-setting process for 6.25 kHz equipment is not even yet complete. To impose mandatory migration deadlines on licensees before equipment is even fully developed, much less actually available for purchase, benefits no one and would serve only to impose an unreasonable regulatory burden. The Commission did not propose mandatory deadlines for migration to 12.5 kHz technology until that equipment was widely available, and it should not consider doing so for 6.25 kHz technology either until equipment is widely available.

In further regards to the absence of an existing standard for 6.25 kHz equipment, LMCC agrees with Motorola that the current January 1, 2005 6.25 kHz type acceptance deadline should be delayed until after the 6.25 kHz standard has been developed.<sup>7</sup> Manufacturers should not have to gamble that the equipment they would develop in anticipation of that date would conform to the eventually adopted standard. To develop equipment in such a vacuum could likely result in wasted R&D investment and delays in getting product to the users should post-adoption modifications to the equipment line be required.

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<sup>5</sup> See, Comments of LMCC, March 5, 2001

<sup>6</sup> See, Comments of AMTA, APCO et al, ITA, Motorola

<sup>7</sup> See, Comments of Motorola

Lastly, LMCC concurs with those commenters noting that narrowbanding is not necessarily the only, or even the best way to achieve spectrum efficiency.<sup>8</sup> Other technologies, as well as the ever-increasing use of data communications point to a variety of opportunities for implementing spectrally efficient systems other than narrower, designated channel centers. Indeed, technologies developed for other wireless services increasingly make use of wider channels to create additional voice and data paths, resulting in greater efficiency on a real-time basis.

LMCC is concerned that forced migration to what may be an outmoded bandplan will drive the land mobile user community away from the potential benefits of advanced technology and hurt progress toward spectrum efficiency more than help it. Licensees should be allowed to retain the flexibility to implement systems using new technologies and not necessarily be required to adhere to a narrowbanding option that may not provide better, or more efficient communications.

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<sup>8</sup> See, Comments of AMTA, APCO et al, Motorola

### **III. CONCLUSION**

For all of the foregoing reasons, LMCC believes that it is premature for the Commission to impose a mandatory schedule for migration to 6.25 kHz technology, and we urge the Commission not to adopt one.

Respectfully submitted,

s:// Larry A. Miller  
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